



DISTRICT OF LAKE COUNTRY

POLICY 10.112

Bylaw Notice Screening Officer

The following was adopted as Policy at the Regular Council Meeting held on December 14, 2010

Resolution: 10.12.459

Preamble

Whereas:

1. Council has passed a Bylaw designating certain Bylaw contraventions that may be dealt with by Bylaw Notice; and
2. Council has established the position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication with respect to the Bylaw Notice may be scheduled; and
3. The Screening Officer has the power to cancel a Bylaw Notice as authorized by the District pursuant to the Local Government Bylaw Notice Enforcement Act;

Council wishes to establish policy for the cancellation of Bylaw Notices under various prescribed circumstances.

Policy

1. The Screening Officer is authorized to cancel and may cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and the person is not willing to enter into a compliance agreement or a compliance agreement is not available for the offence:
 - a) Identity cannot be proven. For example: the Bylaw Notice was issued to the wrong person or the vehicle involved in the contravention had been stolen.
 - b) An exception specified in the Bylaw or a related enactment is confirmed.
 - c) There is a poor likelihood of success at adjudication for the District. For example: the evidence is inadequate to establish a conviction, or the Officer relied on inadequate information in issuing a Notice, or the Notice was not completed properly.
 - d) The contravention was necessary for the preservation of health and safety. For example: the contravention was the result of a medical or other emergency.
 - e) The Notice is one of a number of Notices arising out of the same incident, in which case the Screening Officer may cancel all but the most appropriate Notice.
 - f) The Notice may be cancelled if it is not in the public interest to proceed to adjudication for one of the following reasons:
 - i) The person who received the Notice was permitted or entitled to take the action but the issuing officer was not aware of this entitlement or permit;

- ii) The person who received the Notice does not live in the vicinity or the vehicle is not registered in the vicinity and the screening officer is satisfied the person is a tourist or visitor to the District and the person is not a repeat offender.
- iii) The person receiving the Notice was undergoing a personal tragedy at the time of the contravention such that it is not in the public interest to proceed.
- iv) The Bylaw has changed since the Notice was issued and now authorizes the contravention.
- v) The offence occurred as a result of a mechanical problem and the person could not reasonable comply with the Bylaw.

original signed by James Baker
Mayor

original signed by Hazel Christy
Corporate Officer